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10/612,343

07/03/2003

Elena Lialiamou

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3765

32294

7590

05/29/2008

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EXAMINER

PHUONG, DAI

ART UNIT

PAPER NUMBER

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MAIL DATE

DELIVERY MODE

05/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/612,343	Applicant(s) LIALIAMOU ET AL.	
	Examiner DAI A. PHUONG	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/08/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-18, 20, 21, 24, 25, 28, 29, 31-35, 37 and 47-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-18, 20-21, 24-25, 28-29, 31-35, 37 and 47-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's arguments, filed 02/08/2008, with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Claims 1-12, 14-18, 20-21, 24-25, 28-29, 31-35, 37 and 47-72 are currently pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4-5, 7-12, 118, 20-21, 24-25, 28-29, 32-36, 37 and 47-72 are rejected under 35 U.S.C. 102(e) as being anticipated by Pincus et al. (Pub. No: 20050075957).

Regarding claim 1, Pincus et al. disclose an apparatus, comprising:

a requesting unit configured to request (fig. 1, [0028]. Pincus et al. disclose that the balance manager 102 determines whether the event should be authorized. In addition, in some embodiments, the balance manager determines a number of service units to authorize and reserves a corresponding amount against the account) that in a first entity including an information store configured to store information defining an amount of money for at least one user device, a portion of said amount of money be reserved at the first entity, as a reserved portion (fig. 1 [0029]. Pincus et al. disclose that Balance manager 102 is operably coupled to

database 104. **Database 104 maintains account information** including an account identifier used to associate the account with one or more wireless devices and account balance information); and

a controller configured to control an allocation of said reserved portion between said a plurality of services to be accessed by said at least one user device in a session (fig. 1, [0047]. Pincus et al. disclose that a process for reserving an amount against a pre-paid service, and a process for determining an appropriate amount to reserve that is referred to as "reverse rating." Rating is generally a process by which a charge for an event such as a call or data connection is determined. In addition, Pincus et al. disclose in paragraph 106 that a user with a pre-paid account that desires to make voice calls while simultaneously accessing a content server can do so without worrying that the entire pre-paid account will be allocated to one service thereby resulting in the denial of the other service. Additionally, multiple users of a plurality of wireless devices associated with the same pre-paid account can access the account concurrently without fear that one user will allocate the entire account resulting in the denial of service to the other user of the pre-paid account),

wherein the allocation is controlled after the request is made and wherein the apparatus is separate from said first entity 104, and said at least one user device 140 (see Figure 1).

Regarding claim 2, Pincus et al. disclose all the limitation in claim 1. Further, Pincus et al. disclose the apparatus wherein the controller is further to divide said reserved portion is divided into a plurality of parts between said plurality of services (fig. 1, [0106]).

Regarding claim 4, Pincus et al. disclose all the limitation in claim 2. Further, Pincus et al. disclose the apparatus wherein the controller is further to configure to reallocate said reserved

portion between said plurality of services when at least one of said plurality of services uses up its part of said reserved portion (fig. 1, [0054]).

Regarding claim 5, Pincus et al. disclose all the limitation in claim 1. Further, Pincus et al. disclose the apparatus wherein the controller is further to allocate said reserved portion based on which of said plurality of services requires said reserved portion (fig. 1, [0050] to [0058]).

Regarding claim 7, Pincus et al. disclose all the limitation in claim 1. Further, Pincus et al. disclose the apparatus wherein the controller is further to allocate said reserved portion based on at least one of: service activity; number of services; and a unit cost of said plurality of services (fig. 1, [0050] to [0058]).

Regarding claim 8, Pincus et al. disclose all the limitation in claim 1. Further, Pincus et al. disclose the apparatus further comprising a monitoring unit configured to monitor how much of said reserved portion has been used (fig. 1, [0050] to [0058]).

Regarding claim 9, Pincus et al. disclose all the limitation in claim 8. Further, Pincus et al. disclose the apparatus wherein the monitoring unit is further configured to monitor said reserved amount by periodically determining how much of said reserved portion each of said plurality of services have used to provide a plurality of values and summing the plurality of values (fig. 1, [0020] to [0058]).

Regarding claim 10, Pincus et al. disclose all the limitation in claim 8. Further, Pincus et al. disclose the apparatus wherein the monitoring unit is further configured to monitor how much of said reserved portion has been used by using information defining a cost of said plurality of services (fig. 1, [0020] to [0058]).

Regarding claim 11, Pincus et al. disclose all the limitation in claim 1. Further, Pincus et al. disclose the apparatus wherein said information comprises a cost for one of a data or time unit (fig. 1, [0020] to [0058]).

Regarding claim 12, Pincus et al. disclose all the limitation in claim 1. Further, Pincus et al. disclose the apparatus wherein when said reserved portion is used up or has been at least partially used up a further portion of said amount of money is reservable (fig. 1, [0020] to [0058]).

Regarding claim 14, Pincus et al. disclose all the limitation in claim 1. Further, Pincus et al. disclose the apparatus wherein said information store comprises one of: a monetary value; a data amount representative of said amount of money; a time representative of said amount of money; and an amount of a service access parameter (fig. 1, [0047]).

Regarding claim 15, Pincus et al. disclose all the limitation in claim 1. Further, Pincus et al. disclose the apparatus wherein at least one of said plurality of services comprises an Internet service (fig. 1, [0047]).

Regarding claim 16, Pincus et al. disclose all the limitation in claim 1. Further, Pincus et al. disclose the apparatus further comprising a plurality of entities (Figure 1).

Regarding claim 17, Pincus et al. disclose all the limitation in claim 16. Further, Pincus et al. disclose the apparatus wherein said plurality of entities comprises at least one of a traffic analyzer and a credit controller (fig. 1, [0020] to [0058]).

Regarding claim 18, Pincus et al. disclose all the limitation in claim 1. Further, Pincus et al. disclose the apparatus wherein said controller comprises a credit controller (fig. 1, [0020] to [0058]).

Regarding claim 20, Pincus et al. disclose all the limitation in claim 1. Further, Pincus et al. disclose the apparatus further comprising a storage configured to store information relating to a cost of said plurality of services (fig. 1, [0050] to [0058]).

Regarding claim 21, Pincus et al. disclose an apparatus, comprising: a requesting unit configured to request reservation of a portion of an amount of money defined by information stored at the first entity (fig. 1, [0028]. Pincus et al. disclose that the balance manager 102 determines whether the event should be authorized. In addition, the balance manager determines a number of service units to authorize and reserves a corresponding amount against the account. Furthermore, Pincus et al. disclose in paragraph 29 that Balance manager 102 is operably coupled to database 104. **Database 104 maintains account information** including an account identifier used to associate the account with one or more wireless devices and account balance information);

a controller configured to control an allocation of said reserved portion between a plurality of services to be accessed simultaneously by a user device (fig. 1, [0047]. Pincus et al. disclose that a process for reserving an amount against a pre-paid service, and a process for determining an appropriate amount to reserve that is referred to as "reverse rating." Rating is generally a process by which a charge for an event such as a call or data connection is determined. In addition, Pincus et al. disclose in paragraph 106 that a user with a pre-paid account that desires to make voice calls while simultaneously accessing a content server can do

so without worrying that the entire pre-paid account will be allocated to one service thereby resulting in the denial of the other service. Additionally, multiple users of a plurality of wireless devices associated with the same pre-paid account can access the account concurrently without fear that one user will allocate the entire account resulting in the denial of service to the other user of the pre-paid account);

a receiver configured to receive from said first entity information defining an amount of said reserved portion in a first form other than a monetary amount (fig. 1, [0075]. Pincus et al. disclose that discounts are calculated and applied to the reservation amounts determined. In some embodiments, the discount can be determined based on the tariff. In other embodiments, the discount can be configured and stored in database 104. This functionality enables a service provider to competitively differentiate their pre-paid service offerings); and

a converter configured to convert information relating to said amount of said reserved portion to a second form as a monetary amount (fig. 1, [0047]. Pincus et al. disclose that reverse rating a wireless phone call event may include receiving a monetary amount and a call type, and providing a duration that is authorized for the call. Similarly, a reverse rating for a download event can include receiving a monetary amount and download type and providing a corresponding number of bytes that can be downloaded. Reverse rating can be applied to any type of service unit. For example, reverse rating may return a quantity of time, bytes, messages, or tokens that are authorized for use. In one embodiment of the invention, reverse rating is used to reserve amounts against a pre-paid account).

Regarding claim 24, Pincus et al. disclose all the limitation in claim 21. Further, Pincus et al. disclose the apparatus wherein first form is one of a cost for a unit amount of a payment parameter of at least one service of said plurality of services (fig. 1, [0020] to [0058]).

Regarding claim 25, Pincus et al. disclose all the limitation in claim 21. Further, Pincus et al. disclose the apparatus wherein said payment parameter is data volume, time, or service parameter of at least one service of said plurality of services (fig. 1, [0020] to [0058]).

Regarding claim 28, Pincus et al. disclose all the limitation in claim 21. Further, Pincus et al. disclose the apparatus said information in said first form comprises said unit amount (fig. 1, [0020] to [0058]).

Regarding claim 29, Pincus et al. disclose all the limitation in claim 21. Further, Pincus et al. disclose the apparatus wherein said controller is arranged to convert said unit amount to a corresponding monetary amount to provide said second form (fig. 1, [0020] to [0058]).

Regarding claim 32, Pincus et al. disclose all the limitation in claim 21. Further, Pincus et al. disclose the apparatus wherein said first form comprises at least one of time, data volume, or service access parameter (fig. 1, [0020] to [0058]).

Regarding claim 33, Pincus et al. disclose all the limitation in claim 32. Further, Pincus et al. disclose the apparatus wherein said service access parameter comprises at least one of number of clicks or number of accesses (fig. 1, [0020] to [0058]).

Regarding claim 34, Pincus et al. disclose all the limitation in claim 21. Further, Pincus et al. disclose the apparatus wherein said second form comprises monetary value, number of clicks and number of accesses (fig. 1, [0020] to [0058]).

Regarding claim 35, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 37, this claim is rejected for the same reason as set forth in claim 21.

Regarding claim 47, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 48, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 49, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 50, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 51, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 52, this claim is rejected for the same reason as set forth in claim 7.

Regarding claim 53, this claim is rejected for the same reason as set forth in claim 8.

Regarding claim 54, this claim is rejected for the same reason as set forth in claim 9.

Regarding claim 55, this claim is rejected for the same reason as set forth in claim 10.

Regarding claim 56, this claim is rejected for the same reason as set forth in claim 11.

Regarding claim 57, this claim is rejected for the same reason as set forth in claim 12.

Regarding claim 58, this claim is rejected for the same reason as set forth in claim 14.

Regarding claim 59, this claim is rejected for the same reason as set forth in claim 15.

Regarding claim 60, this claim is rejected for the same reason as set forth in claim 16.

Regarding claim 61, this claim is rejected for the same reason as set forth in claim 17.

Regarding claim 62, this claim is rejected for the same reason as set forth in claim 18.

Regarding claim 63, this claim is rejected for the same reason as set forth in claim 20.

Regarding claim 64, this claim is rejected for the same reason as set forth in claim 20.

Regarding claim 65, this claim is rejected for the same reason as set forth in claim 28.

Regarding claim 66, this claim is rejected for the same reason as set forth in claim 29.

Regarding claim 67, this claim is rejected for the same reason as set forth in claim 31.

Regarding claim 68, this claim is rejected for the same reason as set forth in claim 32.

Regarding claim 69, this claim is rejected for the same reason as set forth in claim 33.

Regarding claim 70, this claim is rejected for the same reason as set forth in claim 34.

Regarding claim 71, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 72, this claim is rejected for the same reason as set forth in claim 2.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pincus et al. (Pub. No: 20050075957) and in view of Masuda (Pub. No: 2003/0078031).

Regarding claim 3, Pincus et al. disclose all the limitation in claim 2. However, Pincus et al. do not the apparatus wherein the controller is further configured to divide said reserved portion is divided equally ([0046] to [0052]).

In the same field of endeavor, Masuda discloses the apparatus wherein the controller is further configured to divide said reserved portion is divided equally ([0046] to [0052]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication system of Pincus et al. by specifically including the apparatus wherein the controller is further configured to divide said reserved

portion is divided equally, as taught by Masuda, the motivation being in order to provide a plurality of prepaid services at the same time and high quality services.

Regarding claim 6, Pincus et al. disclose all the limitation in claim 1. However, Pincus et al. do not disclose the apparatus wherein the controller is further configured to allocate said reserved portion is allocated dynamically.

In the same field of endeavor, Masuda discloses the apparatus wherein the controller is further configured to allocate said reserved portion is allocated dynamically ([0046] to [0052]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication system of Pincus et al. by specifically including the apparatus wherein the controller is further configured to allocate said reserved portion is allocated dynamically, as taught by Masuda, the motivation being in order to provide a plurality of prepaid services at the same time and high quality services.

6. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pincus et al. (Pub. No: 20050075957) in view of Ramakrishnan et al. (Pub. No: 20040148384).

Regarding claim 31, Pincus et al. disclose all the limitation in claim 21. However, Pincus et al. do not disclose the apparatus wherein said controller operates in accordance with a remote authentication dial-in user service (RADIUS) protocol.

In the same field of endeavor, Ramakrishnan et al. disclose the apparatus wherein said controller operates in accordance with a remote authentication dial-in user service (RADIUS) protocol ([0026] to [0031]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication system of Pincus et al. by specifically including disclose the apparatus wherein said controller operates in accordance with a remote authentication dial-in user service (RADIUS) protocol, as taught by Ramakrishnan et al., the motivation being in order to provide a plurality of prepaid services at the same time and high quality services.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Dai A Phuong/
Examiner, Art Unit 2617

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Date: 05/20/2008

/Duc Nguyen/

Supervisory Patent Examiner, Art Unit 2617